



2005 NOV -3 PM 7:52

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T.R.A. DOCKET ROOM

Guy M Hicks  
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November 3, 2005

VIA HAND DELIVERY

Hon. Ron Jones, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *Enforcement of Interconnection Agreement between BellSouth  
Telecommunications, Inc. and NuVox Communications, Inc.*  
Docket No. 04-00133

Dear Chairman Jones:

On November 2, 2005, BellSouth provided the Authority with a copy of a U.S. District Court *Memorandum Opinion and Order* dissolving a temporary restraining order and granting BellSouth's motion for summary judgment. Attached is a copy of the cover letter provided with the *Memorandum Opinion and Order* correcting a typographical error in paragraph two – the reference to "DeltaCom" has been corrected to "NuVox".

We apologize for any inconvenience this error may have caused. A copy of this letter is being provided to counsel of record.

Very truly yours,

A handwritten signature in black ink, appearing to read "Guy M. Hicks", written over a large, stylized, horizontal oval shape that serves as a background for the signature.

Guy M. Hicks

GMH:ch

**BellSouth Telecommunications, Inc.**  
333 Commerce Street  
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**VIA HAND DELIVERY**

**November 2, 2005**

**Guy M. Hicks**  
General Counsel

615 214 6301  
Fax 615 214 7406

Hon. Ron Jones, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *Enforcement of Interconnection Agreement between BellSouth  
Telecommunications, Inc. and NuVox Communications, Inc.*  
Docket No. 04-00133

Dear Chairman Jones:

On August 2, 2005, NuVox filed a copy of a temporary restraining order issued by the U.S. District Court for the Eastern District of Kentucky, Civil Action No. 05-41-KKC. NuVox sought injunctive relief from the Kentucky Commission's decision granting BellSouth's motion for summary judgment and permitting an audit of certain of NuVox's converted EEL circuits to proceed in Kentucky. Without ruling on the merits of the parties' respective legal positions, the Court entered the temporary restraining order.

This is to notify the Authority that on November 1, 2005, the U.S. District Court in Kentucky dissolved the temporary restraining order and granted BellSouth's motion for summary judgment, thereby upholding the Kentucky Commission's decision. The District Court found that NuVox's argument that the Kentucky Commission's decision violated federal law was without merit. The District Court also rejected Nuvox's other arguments.

Fifteen copies of the Court's Memorandum Opinion and Order are enclosed.

A copy of this letter has been provided to counsel of record for NuVox.

Respectfully submitted,



Guy M. Hicks

GMH:njc

## CERTIFICATE OF SERVICE

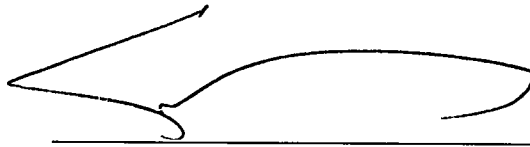
I hereby certify that on November 3, 2005, a copy of the foregoing document was served on the following, via the method indicated:

- ☐ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight
- ☒ Electronic

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